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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/434,992 | 11/05/1999 | JOSEPH M. CANNON | 90-81-39 | 4633 |

7590 02/13/2002

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EXAMINER

NGUYEN, DUC MINH

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 02/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/434,992

Applicant(s)

CANNON ET AL.

Examiner

Duc Nguyen

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 2643

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-3, 5, 11-13, 15, 21-23, 26, 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Bushnell (6,249,579).

Consider claims 1-3, 5, 11-13, 15, 21-23, 26, 28. Bushnell teaches a caller ID device (col. 2, ln. 1-16) comprising a memory (col. 6, ln. 40 to col. 7, ln. 7); and inherently a processor (col. 6, ln. 40 to col. 7, ln. 7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2643

4. Claims 6-10, 16-20, 27, 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell (6,249,579) in view of Fallon et al (6,134,308).

Consider claims 6, 16, 27. Bushnell does not teach the caller ID data is store in the memory with a flag indicating whether the call was answered.

Fallon teaches the caller ID data is store in the memory with a flag indicating whether the call was answered (col. 4, ln. 22-29; col. 5, ln. 53-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Fallon into the teachings of Bushnell, so that answered calls can be easily distinguished from unanswered calls.

Consider claims 7, 17. Fallon further teaches the processor being adapted to affect storage of a plurality of previously stored caller ID data in response to a given condition (col. 5, ln. 17-47).

Consider claims 8, 18. Fallon further teaches the given condition being an indication that the memory is more full than a predetermined threshold (col. 5, ln. 17-47).

Consider claims 9, 19. Fallon further teaches the given condition is user input (memory 20 contains or has associated therewith a preset or programmable minimum capacity value y implemented so as to guarantee that at least y number of ICILD records can be stored in memory 20; col. 5, ln. 17-47).

Consider claims 10, 20. Fallon further teaches keypad (input/display 50).

Art Unit: 2643

Consider claims 29-30. Fallon further teaches the caller ID storage decision is made in response to user input and affects caller ID data already stored (memory 20 contains or has associated therewith a preset or programmable minimum capacity value y implemented so as to guarantee that at least y number of ICILD records can be stored in memory 20; col. 5, ln. 17-47)

Consider claim 31. Fallon further teaches the given condition being an indication that the memory is more full than a predetermined threshold (col. 5, ln. 17-47).

Consider claim 32. Fallon further teaches the caller ID storage decision is made in response to user input (memory 20 contains or has associated therewith a preset or programmable minimum capacity value y implemented so as to guarantee that at least y number of ICILD records can be stored in memory 20; col. 5, ln. 17-47).

Consider claim 33. Fallon further teaches keypad (input/display 50).

Consider claim 34. Bushnell further teaches the caller ID device is part of a telephone (col. 2, ln. 3-16).

5. Claims 4, 14, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell (6,249,579) in view of Hanson (6,215,859).

Consider claims 4, 14, 24. Bushnell does not teach the off-hook status relates to whether an answered call is answered by a person or by a machine.

Hanson teaches the off-hook status relates to whether an answered call is answered by a person or by a machine (col. 5, ln. 64 to col. 6, ln. 12).

Art Unit: 2643

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Hanson into the teachings of Bushnell in order to deliver urgent voice mail message to an intended recipient in a timely manner by adequately alerting the recipient of the waiting urgent message.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell (6,249,579) in view of Gurbani et al (6,282,275).

Consider claim 25. Bushnell does not teach the caller ID storage decision is further based on a blocked status of at least a portion of the received caller ID data.

Gurbani teaches the caller ID storage decision is further based on a blocked status of at least a portion of the received caller ID data (col. 1, ln. 21-39).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Gurbani into the teachings of Bushnell, so that 'number unavailable' calls can be distinguished from caller ID available calls.

Conclusion

7. Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2643

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is (703) 308-7527.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Kuntz, can be reached on (703) 305-4708.

Any response to this final action should be mailed to:

Box AF


Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306 or (703) 308-6296 (Group's Fax numbers)
(703) 746-7251 (Examiner's Fax number, only for proposed amendment)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

January 31, 2002


DUC NGUYEN
PRIMARY EXAMINER